

REMARKS

These remarks are responsive to the Office Action dated February 6, 2003.

Claims 1-14 are pending in the present application. Claims 1-14 have been rejected.

Claims 1-14 have been amended to correct typographical and grammatical errors, and do not narrow the scope of the claims. New claim 15 has been added. Accordingly, claims 1-15 are pending. For the reasons set forth more fully below, Applicant respectfully submits that the remaining claims are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

Independent claim 1: 35 USC §102 Rejections

Amended independent claim 1 is provided below for ease of review.

1. (currently amended) A telephone system comprising:
a switching system for receiving a call from a calling party;
a voice mailbox coupled to the switching system for receiving the call if a called party does not answer the call; and
a telephone for receiving the call from the calling party, the telephone being capable of screening the calling party when the calling party is coupled to the voice mailbox.

The Examiner has stated:

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Applicant's admitted prior art.

Regarding claim 1, Applicant discloses on page 1 that a telephone system has a switching system for receiving a call from a calling party.

Applicant further discloses on page 1 that a telephone system has a voice mail box coupled to the switching system for receiving the call if a called party does not pick up the phone ('pick up the phone' reads on the claim 'answer the call').

Applicant further discloses on page 1 and page 2 that a telephone system has a telephone for receiving the call from the calling party, the telephone being capable of screening the calling party when the calling party is coupled to the voice mailbox.

Applicant respectfully disagrees with the Examiner's rejections.

The Examiner has asserted that claim 1 is anticipated by Applicant's admitted prior art, and has referred to pages 1 and 2 of the specification as disclosing a telephone that is capable of screening the calling party. ⁽⁵⁾ However, nowhere do pages 1 and 2 describe or even suggest a telephone that is capable of screening. Page 1 describes a system (see also Fig. 1) with no screening capabilities. The telephone 7 that receives the call from the calling party is clearly not capable of screening. Page 2 describes a system (Fig. 2) with screening capabilities. However, page 2, lines 3-4, states that the "ability to screen the voice mails has been **conventionally performed using adjunct boxes**." Clearly, the adjunct box 11 is used for screening, and the telephone 7' is not capable of screening. In contrast, the telephone as recited in amended independent claim 1 is capable of screening the calling party, and as a result, an adjunct box is not required for screening. Accordingly, Applicant's admitted prior art fails to teach or suggest the recited combination of elements, including a telephone that is "capable of screening the calling party," as recited in amended claim 1. Therefore, the cited prior art fails to describe or suggest the cooperation of elements as recited in claim 1. Claim 1 is therefore allowable over the cited prior art.

Amended dependent claims 2-4 depend from claim 1. Accordingly, the above-articulated arguments related to claim 1 apply with equal force to claims 2-4 and are thus allowable over the cited prior art for at least the same reasons as claim 1.

Claims 2-10 and 12-14: 35 USC §103 Rejections

The Examiner has stated:

Claims 2-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Muller (U.S. Patent No. 6,295,341).

For the reasons set forth more fully below, Applicant respectfully disagrees with the Examiner's rejections.

Dependent claim 2

Amended dependent claim 2 is provided below for ease of review.

2. (currently amended) The system of claim 1 wherein the telephone further comprises first and second connections to the switching system, wherein one of the first and second connections is utilized to provide a three-way call between the calling party, the called party, and the voice mailbox.

The Examiner has stated:

Regarding claims 2 and 12, Applicant discloses on page 1 that the telephone further includes first and second connections to the switching system. However, Applicant's admitted prior art fails to specifically disclose "wherein in one of the first and second connections is utilized to provide a three-way call between the calling party, the called party and the voice mailbox". Muller teaches providing a three-way calling service between the caller, the user and the Remote Answering Device (abstract; col. 4, lines 5-25; ... Thus, it would have been obvious ... to modify Applicant's admitted prior to allow three-way call feature as taught by Muller. The motivation for the modification is to have the three-way call feature to allow a phone user to add another user to an existing conversation and have a three party conference call.

Applicant respectfully disagrees with the Examiner's rejections. As stated above, claim 2 depends from claim 1 and is thus allowable for at least the same reasons as claim 1. Claim 2 is also allowable for at least the reasons set forth below.

✓ Muller discloses a network-based voice mail system, which includes a remote answering device and a three-way calling service. The remote answering device picks up a call to a user and then uses the three-way calling service to conference the user's voice mail number into the call. If the call is not picked up, the remote answering device

records a message to the user and plays the message live on a speaker in the remote answering device. If the call is picked up, the remote answering device drops the conference call and hangs up (Abstract and column 4, lines 6-25).

The Examiner has asserted that claim 2 is unpatentable over Applicant's admitted prior art in view of Muller. However, these references, even when combined, fail to describe or suggest a telephone comprising "**first and second connections to the switching system**, wherein one of the first and second connections is **utilized to provide a three-way call**," as recited in amended dependent claim 2. First, the Examiner has asserted that page 1 of the specification discloses that the telephone includes first and second connections to the switching system. However, the first and second connections are **not** described on page 1. Instead, they are described in the detailed description beginning on page 3, line 22. See also Fig. 3 (line 6" and line 102). Referring to Fig. 1, which is described in page 1, the **telephone 7 has only one connection 6**. In contrast, amended claim 2 recites first and second connections.

Second, the Examiner has conceded that the Applicant's admitted prior art fails to disclose "wherein in one of the first and second connections is utilized to provide a three-way call." The Examiner has referred to the Abstract and column 4, lines 5-25, of Muller as describing a three-way calling service between the caller, the user and the remote answering device. However, the Examiner has failed to specifically point out *where* Muller describes or suggests first and second connections or that one of the first and second connections is utilized to provide a three-way call. Nowhere does the Abstract or column 4, lines 5-25, of Muller describe or suggest these recited features. In fact,

referring to Fig. 1 and column 3, lines 24-36, **Muller's telephone has only one connection**. Nothing suggests otherwise.

In addition, column 4, lines 5-25, of Muller teaches that the three-way call is provided by a three-way calling service such as the local service provider. Specifically, referring to column 4, lines 5-25 and to Fig. 1 of Muller, the remote answering device 1 uses the three-way calling service at the local service provider 4 to provide the three-way call connecting the caller, the user voice mailbox 12, and the remote answering device 1. Muller's system is analogous the system of Fig. 2 of Applicants admitted prior art, where the remote answering device 1 of Muller is analogous to the adjunct box 11 of Fig. 2, and the user voice mailbox 12 of Muller is analogous to the voice mailbox 4' of Fig. 2.

Again, Muller requires the three-way calling service **and** the remote answering device to provide a three-way call. Muller has *no need* for the recited first and second connections of amended claim 2 to provide the three-way call. In contrast, the recited first and second connections of claim 2 eliminates the need for a second device (e.g., adjunct box or remote answering device) coupled to the telephone in order to screen calls. Accordingly, the Examiner's proposed combination fails to teach or suggest the recited "first and second connections" in cooperation with the other elements of amended claim 2. Accordingly, claim 2 is allowable over these references.

Independent claims 5 and 8

Amended independent claims 5 and 8 are provided below for ease of review.

5. (currently amended) A method for voice mail screening comprising the steps of:

- (a) receiving a call from a calling party by a voice mailbox; and
- (b) joining the called party, the calling party, and the voice mailbox in a three-way call by a telephone via a connection from the telephone of the called party such that the called party can screen a message from the calling party.

8. (currently amended) A computer readable medium containing program instructions for voice mail screening, the program instructions for:

- (a) receiving a call from a calling party by a voice mailbox; and
- (b) joining the called party, the calling party, and the voice mailbox in a three-way call by a telephone via a connection from the telephone of the called party such that the called party can screen a message from the calling party.

The Examiner has stated:

Regarding claims 5 and 8, Applicant's admitted prior art further discloses on page 1 and page 2 receiving a call from a calling party by a voice mail box.

Applicant's admitted prior art further discloses on page 1 and page 2 that the called party can screen the calling party's message. However, Applicant's admitted prior art further fails to teach "joining the called party, calling party and voice mailbox in a three-way call via a connection from a telephone of the called party". Muller teaches joining the user, caller and Remote Answering Device in a three-way calling service inherently via a connection from a telephone of the user (abstract; col. 4, lines 5-25; Thus, it would have been obvious ... to modify Applicant's admitted prior to allow three-way call feature as taught by Muller. ...

Applicant respectfully disagrees with the Examiner's rejections. Muller does not describe or suggest the step of "joining the called party, calling party, and voice mailbox in a three-way call by a telephone via a connection from the telephone of the called party," as recited in amended independent claims 5 and 8. Instead, Muller teaches that the three-way call is provided by a remote answering device via a connection from a three-way calling provider (column 4, lines 6-25, and Fig. 1). In other words, the remote answering device of Muller initiates the three-way call. In contrast, the telephone as recited in amended claims 5 and 8 initiates the three-way call. Therefore, the cited

references do not teach or suggest the recited "three-way call by a telephone via the connection from a telephone of the called party" in cooperation with the other recited elements of amended independent claims 5 and 8. Accordingly, claims 5 and 8 are allowable over the cited prior art.

Dependent claims 6-7 and 9-10

Amended dependent claims 6-7 and 9-10 depend from claims 5 and 8, respectively. Accordingly, the above-articulated arguments related to claims 5 and 8 apply with equal force to claims 6-7 and 9-10, and these claims are thus allowable over the cited prior art for at least the same reasons as claims 5 and 8.

Independent claim 11

Amended independent claim 11 is provided below for ease of review.

11. (currently amended) A telephone comprising:
a receiver for receiving a call from a calling party; and
a voice mail screening system within the telephone for allowing a called party to hear the calling party when the calling party is coupled to a voice mailbox.

The Examiner has stated:

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Dee et al. (U.S. Patent No. 6,115,602). Regarding claim 11, Applicant's admitted prior art further discloses on page 1 and page 2 a receiver for receiving a call from the calling party.

Applicant's admitted prior art further fails to teach "a voice mail screening system within the telephone for allowing a called party of hearing the calling party when the calling party is coupled to a voice mailbox". Dee teaches a call screening system within the telephone for allowing a called party of hearing the calling party when the calling party is coupled to a voice mailbox (abstract; col. 1, lines 56-68, col. 2, lines 39-62; ... Thus, it would have been obvious ... to modify Applicant's admitted prior to have the call screening system within the telephone as taught by Dee.

Applicant respectfully disagrees with the Examiner's rejection.

Dee discloses a call screening system that is used in conjunction with a variety of network-based call services. The system includes a switch, an autobridge module, and a voice mailbox. The switch resides at either a central office, inter-exchange carrier, or private branch exchange, and the autobridge module is coupled to the switch. The switch receives and forwards a call to the autobridge module, which in turn makes a call to the voice mailbox. The switch then connects the calling party to the voice mailbox via the autobridge module. At the same time, the autobridge initiates a call to the called party. The called party is thus bridged onto the call-in-progress between the caller and the mailbox. The called party can then screen the call. If the called party answers the call, the switch connects the called party to the caller via the autobridge (column 3, lines 7-45).

The Examiner has conceded that Applicant's admitted prior art fails to teach "a voice mail screening system within the telephone." The Examiner has referred to Dee's call screening system as being the same as the recited "voice mail screening system within the telephone" of claim 11. Specifically, the Examiner has referred to the Abstract and in column 1, lines 56-68, and in column 2, lines 39-62. However, the call screening system described in these sections includes a switch 60 and an autobridge module 80, which clearly **do not reside in the telephone**. Instead, the switch 60 resides at either a central office, inter-exchange carrier, or private branch exchange, and the autobridge module 80 is coupled to the switch 60 (column 2, lines 29-38).

Consequently, the Examiner's proposed combination is different from and even *teaches away* from a telephone comprising the recited "voice mail screening system

within the telephone" in cooperation with the other elements of amended independent claim 11. Accordingly, claim 11 is allowable over the cited prior art.

Dependent claims 12-14

Amended dependent claims 12-14 depend from claim 11. Accordingly, the above-articulated arguments related to claim 11 apply with equal force to claims 12-14, and these claims are thus allowable over the cited prior art for at least the same reasons as claim 11.

In addition, dependent claim 12 recites "first and second connections." As stated above in the articulated arguments related to claim 2, the Examiner's proposed combination fails to teach or suggest the recited "first and second connections." Therefore, the cited prior art fails to teach or suggest the cooperation of element as recited in claim 12. Accordingly, claim 12 is allowable over the prior art.

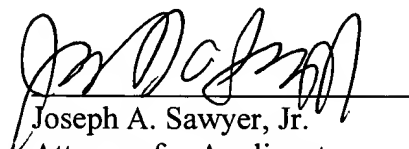
New independent claim 15

New independent claim 15 has been added to further define the scope and novelty of the present invention. New claim 15 recites that "an adjunct box coupled to the telephone is not required for screening" to further define the scope and novelty of the present invention. This feature is not described or suggested in the cited references. Accordingly, claim 15 is allowable over the cited references.

Applicant believes that this application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of the claims as now presented.

Should any unresolved issue remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,



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